

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LEWIS MITCHELL,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:17-CV-380-WKW
)	[WO]
WARDEN HENLINE OF ECJ, <i>et al.</i> ,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On July 24, 2017, Plaintiff filed a Motion to Dismiss Defendant Officer Monardy as a party to this cause of action. Upon review of the motion, the court concludes the motion should be granted. Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. Plaintiff's July 24, 2017, Motion to Dismiss Defendant Officer Monardy (Doc. 20), be GRANTED;
2. Defendant Officer Monarady be DISMISSED with prejudice as a party to this complaint; and
3. This case with respect to the remaining defendants be referred back to the undersigned for additional proceedings.

It is

ORDERED that **on or before August 10, 2017**, the parties may file an objection to the Recommendation. Any objections filed must specifically identify the factual findings and legal conclusions in the Magistrate Judge's Recommendation to which a party objects. Frivolous, conclusive or general objections will not be considered by the District Court.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11th Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

Done, this 27th day of July 2017.

/s/ Wallace Capel, Jr.
CHIEF UNITED STATES MAGISTRATE JUDGE